

Supreme Court of Arizona  
Clerk of the Court  
1501 West Jefferson  
Phoenix, AZ 85007-3329

Re: Arizona Supreme Court Rules Case No: R-11-0033  
Comment in Support of Petition to Amend ER 3.8 and Hammond's reply to the prosecutors.

As a mother of a falsely accused, wrongfully convicted and wrongfully imprisoned daughter --who is also a mother -- our tragic journey through the dark side of Arizona, began in 2004 with the Scottsdale Police SWAT team arrest on February 11, 2004 at her quiet family home in McDowell Mountain Ranch, Scottsdale, with her five year old daughter at her side. Nothing could prepare us for the complete reversal of our once wonderful lives. Never having been part of a criminal life style or the criminal justice and legal system, or the shock that the system could operate in such a destructive way with a young mother and her child; innocent people, children and families. These past nine years have been beyond comprehension in the America I once knew certainly not part of a civil society. As a mother and grandmother, I am saddened to see that a state like Arizona would actually destroy its own people without due process or adherence to the U.S. Constitution.

I would never have imagined that a SWAT team would be used in Scottsdale to arrest my daughter with her five-year-old daughter at her side, who could not possibly physically harm someone and then fail to give her, her Miranda Rights. The detective -- after interviewing the accuser the previous day -- would search and seize her home hours prior to her arrest, without a search warrant, taking her computer and video camera (which has never been seen or heard about since); arrest her without an arrest warrant; fail to investigate the alleged crime scene, which was out of his jurisdiction. The detective failed to follow established protocol for the investigation of child abuse - The Maricopa County Multidisciplinary Protocol for the Investigation of Child Abuse, developed by the Interagency Council, Maricopa County Children's Justice Project created July 1995 by Richard Romley Maricopa County Attorney and signed by then Governor Napolitano, Attorney General Goddard, Sheriff Arpaio, Scottsdale Police Chief Rodbell, as well as many other state agency leaders.

The Scottsdale detective failed to obtain a medical physical exam for the police report, which would have impeached the accuser's statements and the case would have evaporated. The detective held her NON-bondable when the most heinous murderer rapist is given bond. The Scottsdale police gave false statements to the media by midnight to get their "guilty by media". This strategy or standard operating procedure would appear nationwide during the Duke / Nifong false allegation case created by the DA / prosecutor who was running for office in 2007.

That was 2004, and the witch hunts have continued and gotten worse until finally the County Attorney Andrew Thomas, at the time, and his chief charging prosecutor, former Deputy County Attorney Lisa Aubuchon were disbarred in April 2012.

After the Maricopa County Attorney Andrew Thomas falsely accused Judge Donahoe of false RICO accusations in the media, Donahoe was forced to step down as presiding criminal judge of the Maricopa County Superior Court. After his ordeal, Judge Donahoe said he sent many people to prison; now he wondered how many were innocent. The judges, officials, lawyers and others have since settled their false allegation lawsuits and received their large settlements.

But the "ordinary" people have been forgotten. The victims of wrongful convictions by the Thomas/Aubuchon regime. Their over 200,000 felony cases have not been addressed. After Bill Montgomery replaced Andrew Thomas, it was expected that he would do his job as minister of justice and review cases for wrongful convictions. He has chosen to look the other way and act as if they never existed. He has overlooked new evidence and exculpatory evidence, as did Andrew Thomas in 2007 through 2010, while our daughter, Courtney Bisbee, sits in prison. Many called, wrote and contacted the Maricopa County Attorney's office through the years. All to no avail.

Courtney was convicted and sentenced to 11 years flat time for an alleged crime that never happened, under the Thomas/Aubuchon regime known for abuse of power.

I became involved learning about the new dark world our lives were plunged into. I researched and studied what was going on in Arizona, as well as, the rest of the country. I helped organize Town Halls on prison reform which led to my founding and directing the first grassroots innocence movement in Arizona to build it nationwide in 2009. The Freedom March for the Wrongfully Convicted was held at the State Capitols and major cities. This led to getting involved working with Arizona House Representative Cecil Ash, Chair of the Sentencing Committee, for several years supplying him with my ongoing research, empirical studies on wrongful convictions and worked on building public awareness about something no one discussed in Arizona or in the local media. After almost ten years of my full time efforts there is no end in sight.

I have seen positive results in many areas, except that of my daughter, who they have chosen to keep silenced, have ignored her new evidence and exculpatory evidence and kept the lid shut tightly on her case. They let her languish in prison, all knowing she's innocent, while her only child grows older. They all move on and up in their political careers i.e. former Kern County, DA Ed Jagels who set the pattern for the child abuse / sex abuse prosecution witch-hunts. See award-winning documentary, "Witch Hunt" the John Stoll story. After 20 years in prison he was exonerated with the help of the Northern Innocence Project of California and the outstanding work of Law Professors Kathleen Ridolfi and Linda Starr. In Arizona, Ray Krone, endured the same.

On December 15, 2003, Newsweek ran a cover story, 11 pgs., "Lawsuit Hell: How Fear of Litigation Is Paralyzing Our Professions", featuring photos of professionals. Courtney Bisbee was a new hire school nurse at Horizon High School, Paradise Valley, AZ when the false allegation for was on February 11, 2004. A roadmap for the devious on how to file false allegations, sue the institutions and face nothing more than a misdemeanor.

Courtney Bisbee's new evidence and exculpatory evidence has never been heard in an Arizona Court. Over 39,000 people from around the country and the world have signed the petition created by the father and older brother (prosecution's star witness) of the accuser. Every time a person signs it, it is emailed to Governor Brewer, Attorney

General Tom Horne, Maricopa County Attorney Bill Montgomery and his public information officer, Jerry Cobb. The officials have ignored the petition; except for an official who demanded their name be removed from receiving the petition. If this can happen to Courtney, it can happen to anyone. What does this say about Arizona's justice system? The world is watching Arizona.

The County Attorney has all the power and resources that the taxpayers pay him to do his job seeking the truth and a fair and balanced justice system. The County Attorney and prosecutors have no oversight, no accountability and have absolute immunity. It is time to end absolute immunity for prosecutors and to add the Michael Morton Act, which was just passed unanimously in Texas last week, after he spent over 20 years in prison for murdering his wife, which he did not do.

Maricopa County Attorney Bill Montgomery says he doesn't have the resources to pay for investigations. We say don't arrest and incarcerate people if you cannot afford fair justice in post conviction. Or simply say, we convict and incarcerate and there is no appeals process as cases get "rubber-stamped" through the courts. How can the courts possibly handle the over 200,000 felony cases Andrew Thomas / Aubuchon created between 2005-2010 and give fair justice to those who are innocent? Many tragic mistakes, over-zealous prosecutions, and destroyed lives took place under Thomas / Aubuchon. A doctor who handles lives daily would be sitting in prison with this destruction of lives.

Now, there are the emerging wrongful convictions of those locked up for over 20 years, by the same people still in the system -- who are getting released from prison. Most notable is the Debra Milke death row case where the March 14, 2013 Opinion was made by the Ninth Circuit Chief Presiding Judge Kozinski over-turning her conviction and sentence. The Court gave Arizona's justice system a scathing opinion which many agree whole heartedly with.

I have attached notable articles, white papers, and media articles on Courtney Bisbee, link to her Petition with over 39,000 signatures, empirical study-prison growth by prosecutors not police, and new evidence letters from 2007, from the Scottsdale Police to Maricopa County Attorney chief deputy, Mark Faull, who was Andrew Thomas lobbyist and chief deputy in 2007 when Courtney's new evidence was given to them. So if they contend ER 3.8 is not needed, they are simply wrong or have chosen to ignore wrongful convictions, new evidence and exculpatory evidence rather than understand the serious and costly consequences of wrongful convictions.

I listened to the daily, months long Arizona Supreme Court disciplinary hearings of Andrew Thomas, Lisa Aubuchon and Rachel Alexander and the testimony of law enforcers and those who drive the criminal justice. After reading the prosecutors comments rejecting ER 3.8, knowing what I have learned in the past 9 years, they lack credibility, have lost their moral compass and lack any knowledge of wrongful convictions and the destruction they have caused innocent men, women and children as well as leaving a legacy that the taxpayers cannot afford. This will last for decades and generations. These hearings should be a year-long course study for all those studying law, criminal justice, social and public policy.

I support Hammond's Petition to Amend ER 3.8 and his reply to the prosecutors. I support Osborne Maledon comments, 5/20/13, and the comment by the Professors Bruce A. Green, Fordham University School of Law and Ellen C. Yaroshefsky, Clinical Professor of Law Director, Jacob Burns Center for Ethics in the Practice of Law, 5/20/13.

I thank the Court for taking the time to read and consider my comment. I feel I have more actual life experience, over the past almost ten years, in studying and living with the tragic consequences of false allegations, wrongful convictions and wrongful imprisonment of the innocent, than all the petitioners, prosecutors and lawyers writing here, who have never been at the receiving end of the destruction they have created in the name of the law.

Sincerely,



Camille Tilley

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Goodyear, AZ

Arizona Director / Founder 2009-present

Freedom March for the Wrongfully Convicted -a grassroots nationwide innocence movement

Arizona Director/Founder, Arizona Criminal Justice Reform Coalition

Attachments/links:

Multidisciplinary Protocol for the Investigation of Child Abuse developed by the Interagency Council Maricopa County Children's Justice Project July 1995

Scottsdale Police Chief Rodbell letter, notes to MCAO Mark Faull, June 2007

Exoneration Registry Table 13: Exonerations by Crime and Contributing Factors

Child Sex Abuse: Perjury or False Accusation - 74% (1989-2012)

Courtney Bisbee Petition "Help an Innocent Woman" change.org

(over 39,000 signatures) started November/December 2012

<http://www.change.org/petitions/help-free-an-innocent-woman>

"Hope on the Horizon for the Wrongfully Convicted" by Linda Bentley, Sonoran News

April 2008 on the ABA Journal article "Righting the Wrongs" ER 3.8

"Courtney Bisbee and County Pettifogger Gerald R. Grant" ER 3.8

by Stephen Lemons, Phoenix New Times, February 25, 2009.

"Prosecutorial Misconduct - What's to be Done? A Call to Action" Phil Locke May 20, 2013

"Preventable Error: A Report on Prosecutorial Misconduct in California 1997-2009" by Santa

Clara Law Professor Cookie Ridolfi and Maurice Possley, Pulitzer Prize-winning

Criminal Justice Journalist, October 2010

"A New Empirical Study: "Prosecutors, Not Police, Have Driven the Prison Population Growth"

by Fordham University School of Law Professor John Pfaff, July 12, 2011.

"The Michael Morton Act signed into law" Texas May 16, 2013. Prosecutor turned judge gets

arrested and is facing possible criminal charges.

"A Texas Prosecutor Faces Justice" New York Times, November 12, 2012

Debra Milke, AZ Case : Ninth Circuit Court Opinion: overturned her Conviction and Sentencing

March 14, 2013. Chief Presiding Judge Kozinsky gives scathing opinion on Arizona's

justice system, pg. 54. No. 07-99001 D.C. No. CV-98-00060-PHX-RCB

"Beyond the Brady Rule" by the Editorial Board, New York Times, May 18, 2013.